

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER:

GIOVANNI MARIN IRIZARRY
WALESKA OLIVO SANTIAGO
Debtor(s)

FIRSTBANK PUERTO RICO:
First Leasing
Movant

CASE NO.: 19-04547 (BKT)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO: First Leasing**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on August 9, 2019. See, Bkcy Dck no 1

3. MOVANT, standing to address this court is ascertained as filed a claim to personal lease contract for \$45,047.00, under account no 1611. See, Clm. Reg. 4.

4. As of to November 6, 2020 debtor(s) it appears that debtor already have the following installments owed to the chapter 13 Trustee: \$460.00, for TWO (4) months in arrears. See, Attachment A.

5. Under the terms of the proposed plan dated August 24, 2020 debtor(s) should have started to make continues payments since September 9, 2019, and as evidenced herein, the debtor(s) have failed to do so. See, Bkcy Dck no 1 and 64.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment B and C.

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FIRSTBANK Puerto Rico
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For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on *Unreasonable delay by debtor that is prejudicial to Creditors*, (5) *denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan*, 11 USC §1326 (a) (1) *Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier*, and (6) on ~~Material default by the debtor with respect to a term of a confirmed plan~~, and Title 11 USC §1324 (b) ~~on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a)~~.

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.
Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on November 10, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) JESUS ENRIQUE BATISTA SANCHEZ, and to debtor(s) by regular mail at the address on record, GIOVANNO MARIN IRIZARRY & WALESKA OLIVO SANTIAGO, at URB VILLAS DE SANTA AGUSTIN, C 7 BAYAMON, PUERTO RICO 00956.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz - US - DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor - Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
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(787)729-8135 / (787)729-8276 / [Rev.11/2020]

First Bank

Analysis Sheet to Determine Arrears to Trustee

IN RE :	GIOVANNI MARIN IRIZARRY/ WALESKA OLIVO SANTIAGO		Case #	19-04547	BKT
Date petition filed:	9-Aug-20				
First payment due date :	8-Sep-20				
According to Plan Dated on:	24-Aug-20				
Monthly Payment of :	\$	230.00	\$	-	\$ -
Term :		60		0	0
Pass Term:		14		0	0
Should Have Paid In:	\$	3,220.00	\$	-	\$ -
Total Paid Into Plan:	\$	2,760.00	\$	-	\$ -
Amount in Arrears:	\$	460.00	\$	-	\$ -
			\$	460.00	
Next payment date:	22-Nov-20		(2 ATRASOS)		
Refer for MTD on :	NO REFER				
Printed On :	6-Nov-20				
Prepared by :	YANIRA RIVERA CARLO				
Note :					

Attachment A

FINANCIAL SUMMARY - CASE 19-04547GIOVANNI MARIN IRIZARRY paying **\$230.00** MONTHLY
 Print Page
  Printer Friendly

Receipts	Rcpts/Deb Refunds	Disbursements	Adjustments	Trustee Disb	Trustee Adj	Show All
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 Limits: Select Start Date Select Claim ID Select Payee Name Check Status: Cleared Stale Dated Stop Payment Cancelled Voided Ours

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disbursements	Balance
9/2/2020	0	JESUS ENRIQUE BATISTA SANCHEZ *	2251368	PREWRITTEN ATTORNEY FEE - COMPUTER CHECKS		\$207.00	
8/5/2020			8180 81W00 0003	INTERNET PAYMENT	\$230.00		
8/5/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$23.00	
7/31/2020	0	JESUS ENRIQUE BATISTA SANCHEZ *	2249715	PREWRITTEN ATTORNEY FEE - COMPUTER CHECKS		\$517.50	
7/16/2020			5589 97W00 0003	INTERNET PAYMENT	\$230.00		
7/16/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$23.00	
7/1/2020			3998 05W00 0003	INTERNET PAYMENT	\$345.00		
7/1/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$34.50	
6/24/2020	0	JESUS ENRIQUE BATISTA SANCHEZ *	2248551	PREWRITTEN ATTORNEY FEE - COMPUTER CHECKS		\$310.50	
6/17/2020			2728 45W00 0003	INTERNET PAYMENT	\$345.00		
6/17/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$34.50	
6/2/2020	0	JESUS ENRIQUE BATISTA SANCHEZ *	2248229	PREWRITTEN ATTORNEY FEE - COMPUTER CHECKS		\$621.00	
5/1/2020			7058 13W00 0003	INTERNET PAYMENT	\$460.00		
5/1/2020			7057 03W00 0003	INTERNET PAYMENT	\$230.00		
5/1/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$46.00	
5/1/2020		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$23.00	
3/11/2020	0	JESUS ENRIQUE BATISTA SANCHEZ *	2245556	PREWRITTEN ATTORNEY FEE - COMPUTER CHECKS		\$851.02	
11/29/2019			2670 13W00 0003	INTERNET PAYMENT	\$230.00		
11/29/2019		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$20.12	
10/31/2019			9062 90W00 0003	INTERNET PAYMENT	\$230.00		
10/31/2019		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$20.12	
10/16/2019			7431 54W00 0003	INTERNET PAYMENT	\$230.00		
10/16/2019		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$20.12	
9/17/2019			5009 11W00 0003	INTERNET PAYMENT	\$230.00		
9/17/2019		ALEJANDRO OLIVERAS RIVERA		TRUSTEE FEE - PLAN RECEIPT		\$8.62	
				Totals:	\$2,760.00	\$2,760.00	

Case Schedules

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	9/2019	\$230.00	\$230.00		\$0.00
2	10/2019	\$230.00	\$460.00		(\$230.00)
3	11/2019	\$230.00	\$230.00		(\$230.00)
4	12/2019	\$230.00			\$0.00
5	1/2020	\$230.00			\$230.00
6	2/2020	\$230.00			\$460.00
7	3/2020	\$230.00			\$690.00
8	4/2020	\$230.00			\$920.00
9	5/2020	\$230.00	\$690.00		\$460.00
10	6/2020	\$230.00	\$345.00		\$345.00
11	7/2020	\$230.00	\$575.00		\$0.00
12	8/2020	\$230.00	\$230.00		\$0.00
13	9/2020	\$230.00			\$230.00
14	10/2020	\$230.00			\$460.00
15	11/2020				\$460.00

Total Delinquent Amount: \$460.00

Department of Defense Manpower Data Center

Results as of : Apr-29-2020 04:42:45 PM

SCRA 5.4



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-0979
Birth Date: Aug-XX-1976
Last Name: MARIN IRIZARRY
First Name: GIOCANNI
Middle Name: NULL
Status As Of: Apr-29-2020
Certificate ID: J3CRVLH1RDRXN49

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

Attachment B

Department of Defense Manpower Data Center

Results as of : Apr-29-2020 04:40:44 PM

SCRA 5.4



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-3849
 Birth Date: Sep-XX-1970
 Last Name: OLIVO SANTIAGO
 First Name: WALESKA
 Middle Name: NULL
 Status As Of: Apr-29-2020
 Certificate ID: 9269665CC4SFL84

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

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Attachment 6